

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kevin O'Connor	Team: Field Team	CCRB Case #: 201405325	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/24/2014 11:44 PM	Location of Incident: 7th Avenue and Christopher Street; Christopher Street and Bleecker Street; 6th Precinct Stationhouse	Precinct: 06	18 Mo. SOL 11/24/2015	EO SOL 11/24/2015	
Date/Time CV Reported Tue, 05/27/2014 1:48 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 05/27/2014 1:48 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Liam Cawley	03001	948769	006 PCT
2. LT Ian Rule	00000	919661	006 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Bridget Spillane	00880	949689	006 PCT
2. POM Joseph Tennariello	12821	952285	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Ian Rule	Discourtesy: On May 24, 2014, Lt. Ian Rule spoke discourteously to § 87(2)(b) at 7th Avenue and Christopher Street in Manhattan.	
B.LT Ian Rule	Discourtesy: On May 24, 2014, Lt. Ian Rule acted discourteously toward § 87(2)(b) at 7th Avenue and Christopher Street in Manhattan.	
C.POM Liam Cawley	Force: On May 24, 2014, PO Liam Cawley used a chokehold against § 87(2)(b) at Bleecker Street and Christopher Street in Manhattan.	
D.POM Liam Cawley	Force: On May 24, 2014, PO Liam Cawley used physical force against § 87(2)(b) at Bleecker Street and Christopher Street in Manhattan.	
E.LT Ian Rule	Force: On May 24, 2014, Lt. Ian Rule used physical force against § 87(2)(b) at Bleecker Street and Christopher Street in Manhattan.	
F.LT Ian Rule	Abuse: On May 24, 2014, Lt. Ian Rule strip-searched § 87(2)(b) at Bleecker Street and Christopher Street in Manhattan.	
G.LT Ian Rule	Abuse: On May 24, 2014, Lt. Ian Rule strip-searched § 87(2)(b) at the 6th Precinct Stationhouse.	
H.POM Liam Cawley	Discourtesy: On May 24, 2014, PO Liam Cawley spoke discourteously to § 87(2)(b) at the 6th Precinct Stationhouse.	
I.LT Ian Rule	Abuse: On July 19, 2014, Lt. Ian Rule strip-searched § 87(2)(b) at the 6th Precinct Stationhouse.	
§ 87(2)(g), § 87(4-b)		

Case Summary

This complaint involves two separate incident dates involving § 87(2)(b) and Lt. Ian Rule and PO Liam Cawley.

On May 24, 2014, at approximately 11:44 p.m., § 87(2)(b) was standing near the Fat Cat Lounge, located at 7th Avenue and Christopher Street in Manhattan, when he observed an unidentified man drink from and place a bottle of alcohol on the ground. Shortly after, Lt. Rule and PO Cawley approached § 87(2)(b). Lt. Rule asked § 87(2)(b) if he knew the other individual and allegedly told § 87(2)(b) “Let me see some fucking ID” (**Allegation A**). As § 87(2)(b) sifted through various business cards and papers to retrieve his identification, Lt. Rule allegedly slapped § 87(2)(b)'s hand upwards, causing the documents to fall onto the ground (**Allegation B**). § 87(2)(b) subsequently fled.

PO Cawley and Lt. Rule pursued § 87(2)(b) on foot, and in an attempt to bring § 87(2)(b) to the ground, PO Cawley allegedly placed his arms around § 87(2)(b)'s neck (**Allegation C**). PO Cawley and Lt. Rule then both brought § 87(2)(b) to the ground by his arms and legs (**Allegations D and E**) at Bleecker Street and Christopher Street. After being placed in handcuffs, § 87(2)(b) was patted down and searched by Lt. Rule and PO Cawley. After feeling a hard object on § 87(2)(b)'s knee, Lt. Rule allegedly pulled § 87(2)(b)'s pants down to reveal that the object was a metal knee brace (**Allegation F**). § 87(2)(b) was placed under arrest for § 87(2)(b).

After being transported to the 6th Precinct Stationhouse, Lt. Rule escorted § 87(2)(b) into a bathroom on the first floor of the stationhouse and strip-searched him (**Allegation G**). While being fingerprinted, § 87(2)(b) saw PO Cawley and accused him of placing him in a chokehold. PO Cawley allegedly replied, “Yeah, you’re a big motherfucker. What did you expect me to do to take you down?” (**Allegation H**).

On July 19, 2014, at approximately 12:55 a.m., § 87(2)(b) was placed under arrest at Christopher Street and West Street by Lt. Rule and PO Cawley and was transported to the 6th Precinct Stationhouse, where he was strip-searched by Lt. Rule (**Allegation I**).

§ 87(4-b), § 87(2)(g)

On May 27, 2014, § 87(2)(b) initially filed this complaint by phone with the CCRB and the case was referred to the Office of the Chief of Department as an arrest dispute under CCRB case number § 87(2)(b). On June 12, 2014, CCRB case number § 87(2)(b) was referred to the Internal Affairs Bureau regarding § 87(2)(b)'s allegation that Lt. Rule's breath smelled of alcohol during the May 24, 2014 incident. On August 5, 2014, § 87(2)(b) mailed in a complaint to the CCRB stating that his property and money were not vouchered after his arrest on July 19, 2014. This complaint was referred to the Internal Affairs Bureau under CCRB case number § 87(2)(b).

Mediation, Civil and Criminal Histories

This case was ineligible for mediation. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) did not file any Notice of Claim in regard to the May 24, 2014 incident as of September 12, 2014, three weeks after the 90-day filing deadline. § 87(2)(b) filed a Notice of Claim in regard to the July 19, 2014 incident on § 87(2)(b), claiming that his personal belongings and funds were taken and that he was strip-

searched, causing mental pain and suffering. § 87(2)(b) sought \$75,000 as redress (see Board Review 14).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (see Board Review 01).
- Lt. Rule has been a member of the service for 18 years and there are 13 CCRB complaints against him, containing 34 allegations of physical force, question, vehicle stop, discourtesy, offensive language, gun pointed, stop, frisk, entry, refusal to obtain medical treatment, refusal to show search warrant, strip search, and taser. None have been substantiated § 87(2)(g) (see Board Review 04).
- PO Cawley has been a member of the service for five years and has four CCRB complaints against him, containing seven allegations of threat of arrest, discourtesy, chokehold, physical force, discourtesy and vehicle stop. None have been substantiated § 87(2)(g) (see Board Review 04).

Findings and Recommendations

Allegation Not Pleaded

- Stop: § 87(2)(b) was arrested for the reason in which he was stopped.

Allegation A-Discourtesy: On May 24, 2014, Lt. Ian Rule spoke discourteously to § 87(2)(b) at 7th Avenue and Christopher Street in Manhattan.

It is undisputed that Lt. Rule approached § 87(2)(b) and interacted with him as he stood at the intersection of 7th Avenue and Christopher Street.

§ 87(2)(b) alleged that after asking him if he knew the man who had been drinking from the bottle of alcohol, Lt. Rule instructed him to provide identification by saying, “Let me see some fucking ID.”

Lt. Rule denied making the aforementioned statement to § 87(2)(b) (see Board Review 19). PO Cawley, who was present at the same intersection as he spoke with the second individual who was stopped, did not hear Lt. Rule make this statement to § 87(2)(b) (see Board Review 18).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g).

Allegation B- Discourtesy: On May 24, 2014, Lt. Ian Rule acted discourteously towards § 87(2)(b) at 7th Avenue and Christopher Street in Manhattan.

It is undisputed that Lt. Rule made physical contact with one of § 87(2)(b)'s arms in a slapping motion. § 87(2)(g).

§ 87(2)(b) alleged that after being asked to provide identification by Lt. Rule, he began to sift through a large number of documents, including business cards and identification cards that he carries with him. Before he was able to produce his identification, Lt. Rule slapped § 87(2)(b)'s hand upwards, causing the documents to fall to the ground.

Lt. Rule stated that as he approached § 87(2)(b) he gave several commands to § 87(2)(b) instructing him to keep his hands where Lt. Rule could see them. § 87(2)(b) then reached inside of his jacket with his right hand across his body into the left side of his jacket. As § 87(2)(b) had ignored previous commands to keep his hands in sight, Lt. Rule feared that § 87(2)(b) could have been reaching for a weapon and slapped § 87(2)(b)'s arm once in a

§ 87(2)(g)

Allegation F-Abuse of Authority: On May 24, 2014, Lt. Ian Rule strip-searched § 87(2)(b) at Bleecker Street and Christopher Street in Manhattan.

It is undisputed that after § 87(2)(b) was placed under arrest, Lt. Rule participated in a frisk and search of § 87(2)(b). It is also undisputed that it was discovered that § 87(2)(b) was wearing a metal knee brace on his left knee. § 87(2)(g)

§ 87(2)(b) alleged during his second interview on October 28, 2014, that after being placed in handcuffs, Lt. Rule patted him down and felt a hard object on his left knee, which § 87(2)(b) stated was a metal brace he has worn since being struck by a car in 2010. Lt. Rule allegedly pulled down § 87(2)(b)'s pants until they were below the knee in order to confirm what the object was. § 87(2)(b)'s underwear and the "top of his thigh" were exposed during the search.

Lt. Rule stated that after feeling a hard object on one of § 87(2)(b)'s knees, he pulled the corresponding leg of § 87(2)(b)'s pants up until it was above the knee, and was able to confirm the object was a metal knee brace. Lt. Rule denied pulling § 87(2)(b)'s pants down and stated that § 87(2)(b)'s underwear was not exposed at the arrest location.

PO Cawley stated that he had felt the hard object and in an effort to determine what it was, pulled § 87(2)(b)'s pant leg up until it was above his quad muscle due to the size of the knee brace. PO Cawley did not observe Lt. Rule pull § 87(2)(b)'s pants down at the scene and stated that § 87(2)(b)'s underwear was not exposed at the arrest location.

§ 87(2)(g)

Allegation G-Abuse of Authority: On May 24, 2014, Lt. Ian Rule strip-searched § 87(2)(b) at the 6th Precinct Stationhouse.

It is documented that more than 50 bags of marijuana as well as other narcotics and related paraphernalia were recovered from § 87(2)(b)'s person on scene after his arrest. It is also undisputed that Lt. Rule strip-searched § 87(2)(b) at the 6th Precinct Stationhouse after his arrest.

Lt. Rule confirmed that he authorized and conducted the strip search of § 87(2)(b) at the stationhouse. Lt. Rule stated that prior to the search, he conducted a computer check of § 87(2)(b) and discovered that he had an extensive arrest history for narcotics. Lt. Rule stated that he authorized the strip search for the following reasons: his observation of a potential hand to hand drug transaction which initiated the interaction and arrest of § 87(2)(b), the presence of an empty mason jar, which, according to Lt. Rule, is typically used to conceal narcotics, on § 87(2)(b)'s person, § 87(2)(b)'s flight from officers after being stopped, the presence of a metal knee brace that could not be fully examined at the arrest location, the high amount of narcotics

discovered at the arrest scene, as well as the results of the computer check which revealed that § 87(2)(b) had an extensive arrest history for narcotics.

A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods. Other factors that should be considered in determining whether an appropriate basis exists for a strip search include: arrest circumstances or any discoveries of information from previous searches of the same individual. NYPD Patrol Guide Procedure 208-05 (see Board Review 02).

§ 87(2)(g)

[REDACTED]

Allegation I-Abuse of Authority: On July 19, 2014, Lt. Ian Rule strip-searched § 87(2)(b) at the 6th Precinct Stationhouse.

It is undisputed that § 87(2)(b) was strip-searched at the 6th Precinct Stationhouse after he was placed under arrest on July 19, 2014.

On November 12, 2014, § 87(2)(b) sent a letter to the undersigned detailing this additional incident date, which was received at the CCRB on November 24, 2014 (see Board Review 08). However, contact attempts made to § 87(2)(b) regarding this incident were met with negative results (see Board Review 20). § 87(2)(b) had been released from police custody on December 5, 2014. A Lexis search for § 87(2)(b) yielded no additional contact numbers and his current address according to the search resulted in a please call letter being returned to the CCRB. Please call letters mailed to § 87(2)(b)'s listed address from his first interview were not returned to the CCRB.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[Redacted text block]

Pod:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date